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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,101	10/31/2001	Michele R. Duphily	MicroD-02	7946

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LAW OFFICE OF DAVID MCEWING
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HOUSTON, TX 77023

EXAMINER

ADE, OGER GARCIA

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/016,101

Applicant(s)

DUPHILY, MICHELE R.

Examiner

Garcia Ade

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,23-30 and 36-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,23-30 and 36-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1 - 3, 23 - 30, and 36 - 40 in the reply filed on 09/13/2005 is acknowledged.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it must be a single paragraph. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 24 – 30, and 36 -40 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. [6,105,008].

As per claims 1, 2, and 30, Davis et al. teaches a method of purchasing goods and services through the internet comprising: accessing an internet website containing a listing of merchandise and services that can be purchased by communication through the internet [as illustrated in fig. 4 (i.e. block 202, and block 208)]; inputting the selection of the merchandise and services for purchase and purchase and a prepaid card identifier (see fig 5, stored-value card) [as illustrated in fig. 10 (i.e. block 508), col. 11, lines 4 – 10, via step 506 and step 508 (i.e. stored value card)]; transmitting the selection and prepaid card identifier [col. 5, lines 28 – 35, col. 7, lines 47 – 50, and col.17 , lines 43 – 50]; obtaining verification that a monetary account represented by the prepaid card contains a monetary balance at least equal to the value of the merchandise or services selected [col. 22, lines 45 – 47, and col. 12, lines 36 – 42]; and obtaining the purchased merchandise and or services [col. 10, lines 46 and 47].

As per claim 24, Davis et al. disclose wherein the payment mechanism is a prepaid card [as illustrated in fig. 2 (i.e. block 5 stored-value card)].

As per claim 25, Davis et al. disclose wherein the payment mechanism is a credit or debit card [as illustrated in fig. 2 (i.e. block 5 stored-value card), col. 7, lines 46 - 50].

As per claim 26, Davis et al. disclose an internet website that is a web portal linked to a merchant website [col. 10, line 67, and col. 11, line 1, via step 504].

As per claim 27, Davis et al. disclose wherein the web portal communicate payment to the website [via communication link 234, col. 11, line 1, as illustrated in fig. 4].

As per claim 28, Davis et al. disclose wherein a web portal operator issues credits cards or prepaid account cards [col. 4, lines 14 – 25, and col. 5, lines 16 – 20].

As per claim 29, Davis et al. disclose an internet website communicating a purchase selection to the merchant website [col. 8, lines 10 – 16, via client terminal 204], and communicating payment to the merchant [via client terminal 204, and payment server 206, col. 7, lines 4 – 14, and col. 8, lines 32 and 33].

As per claim 36, Davis et al. disclose an internet portal operator matching prepaid account to card identifiers [col. 21, lines 54 – 56]; debiting prepaid accounts [via step 514, col. 10, lines 64 – 67, and col. 11, lines 20 - 22]; and crediting merchant account [col. 10, lines 64 – 67].

As per claim 37, Davis et al. disclose terminals connectable to the internet [as illustrated in fig. 4 (i.e. block 204 and block 212)].

As per claim 38, Davis et al. disclose publicly accessible terminals [col. 2, lines 1 – 9, and col. 12, lines 26 – 42 (i.e. public key transaction)].

As per claim 39, Davis et al. disclose wherein the internet portal operator sells prepaid accounts [col. 4, lines 14 – 25, and col. 5, lines 16 – 20].

As per claim 40, Davis et al. disclose wherein the terminals access only internet web sites selected by the internet portal operator [as illustrated in fig. 17, via system 850 and client terminal 204].

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. [6,105,008], and further in view of Hogan [5,699,528].

As per claim 3, Davis et al. do not explicitly disclose the ability of the purchaser to pay a purchase price in installments.

However, Hogan does disclose the ability of the purchaser to pay a purchase price in installments [col. 6, lines 55 – 64 (i.e. installment account), as illustrated in fig. 2B (i.e. block 355 partial payment)].

Therefore, it would have been obvious to one of ordinary art at the time of the invention was made to modify Davis et al. invention to include Hogan's payment option or partial payment. The combination will ensure settlement of funds between the user's account and the appropriate payees [col. 2, lines 55 and 56].

Conclusion

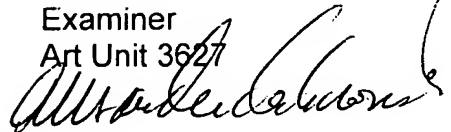
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Garcia Ade whose telephone number is 571.272.5586. The examiner can normally be reached on M-F 8:30AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571.272.6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ga

Garcia Ade
Examiner
Art Unit 3627



ALEXANDER KALINOWSKI
SUPERVISORY PATENT EXAMINER